

Timeline

First text Respondent text Elisabeth @ 1:41 while they were still in her room

Respondent left Elisabeth's room around 2:00 according to Elisabeth

Elisabeth arrived at Respondent's dorm – 2:08 – 2:10

Around 2 or a little later NM went to talk to TC in his room

2:30 KW went to the door at Respondent's dorm

2:30 TC arrived back at his dorm – went into the bathroom to brush his teeth – immediately went to bedroom to sleep. (Update – he still says he arrived about 2:30 but that NM was with him for about 5 minutes, she left and he went to the bathroom)

2:34 KW went back to her room after interaction with Respondent

2:35 Elisabeth left Respondent's room

2:37 OM went to Respondent's room (still hearsay)

2:40 NM went down to Respondent's room

No text message occurred during this time

2:57 Elisabeth texted Respondent "Respondent you just raped me I said no 100 times and you" – Can't read the rest of the message – she texted this while on her way to the car to go to campus police

Respondent texted back right away 2:58 - "Don't say that. You liked it you could stop if you wanted"

3:05 she was at campus police reporting the incident and was put in a private room

@ 3:16 she called her parents to let them know what happened

At 3:25ish she was given the victim's right form and she was writing her civilian statement –

@3:30 QF went to Respondent's room

During this time she was texting back and forth with Respondent the last text she sent was at 3:34 stating "you aren't in trouble" – During our interview she stated that she was scared that he was going to come and find her

Elisabeth Doherty - Wednesday, September 17, 2014

She was hanging out with a teammate AT and her roommate and Respondent and DO came to her room they had both been drinking prior to their arrival. She stated he was acting like a drunk fool Respondent texted her while they were still in the room together, she thought it was strange but guessed that is

what her generation does. Respondent and DO left and Respondent texted her to come over to his room. There were always friends of friends; they got closer this year as they were on the same floor.

After Respondent texted, her she went to his room, she told us that she wanted to check on him.

They were sitting on the couch and he began to touch her

He picked her up and put her on the bed, while taking off his shorts. He had his legs wrapped around her so she couldn't move while he put on a condom. Once he finished putting on the condom he lifted her body and started to have sex with her. During this whole time she was pleading with him to stop

TC got up and went to the bathroom. Respondent put his chest down on her face so she could not move or make any noise

A little bit later girls were slamming on the door – she believed it was 6 girls

Respondent got up to go see what was going on and she got up and put her clothes on and hid. Respondent came back and tried to grab her and she screamed and shook him off- She waited for the girls to leave and she ran to her room and told her roommates.

She said the whole thing lasted maybe 15 minutes but it is hard to determine.

JS was home but asleep – he never came out of his room

She called her parents @ 3:16 PM

Follow up meeting with Elisabeth October 12, 2014 – our questions are in bold

We wanted to have clarification of the point when the roommate walked into the room. – When he heard the roommate open the door, he put his chest on her so she could not move or say anything -

Whose room did the night begin in as we have her both Respondent's and Elisabeth's – She wasn't with them earlier so they may have been hanging out in Respondent's room. Respondent got her room about one.

Did you receive a text from Respondent about forgetting something in his room and that is why you went back? She said from Respondent – no, you have copies of all of the text messages

When you left, did Respondent check the hallway for you? – No he did not, when he came back, he tried to pick her up and put her back on the bed but she freaked out and left running down the hall

At what time during the text correspondence did Respondent leave your room and go to his. It was maybe around the 2:00 PM text message – I know what I 'm doing

When you walked into Respondent's room what was it like – It was dark in the room the lights were off. She sat on the opposite end of the couch and started to look at Instagram and he slid down the couch.

On your statement, you stated that “picked me up and put me one my bed – This was an error he picked me up and put me on his bed

Another female in the room prior to when Respondent when out of the room – Yes she had known that someone came in the room with TC, she heard her voice when she came in and heard her voice when they were in TC’s room, they were talking and giggling - She was told it wasn’t important

Yelling and screaming – she was loud enough for him to hear but she does not think anyone else could have / she stated that the only time someone may have heard her was at the very end when she yelled no and ran out of the room.

Elisabeth states that Respondent acknowledged that she said she did not want it but he said to her that she wanted it.

Respondent was not dressed when he went out of the curtain area to speak with KW

Respondent did end up taking off both her sweatshirt and shorts. Elisabeth stated once he went for her pants she gave up on trying to hold up her sweatshirt.

Credibility – She was credible in her first interview in that she made eye contact, she was not fidgety, and she answered questions quickly. However, in the second she took longer to answer and was more fidgety. She did not show any emotion other than anger when she spoke about him being back on campus while she was home in both our interviews with her. She had inconsistencies in her statements for example in her written statement she stated he pulled the covers over her head and in person she said he put his chest on her. In addition, she never mentioned that another person was in the room when TC returned.

KW

She was at a party down town and was getting texts from Respondent beginning around 1 AM to come over she arrived back at her room about 2:15 and took a shower – about 2:30 she and her friend from home walked over to Respondent’s dorm. She banged on the door for a while and finally JS opened the door, she looked like he had been sound asleep. She stepped into the room and Respondent came out from behind the curtain – she asked Respondent if she had a girl in the room and he said yes and told her to just leave. She asked him who it was and he again told her to just leave. JS looked at KW looked at Respondent, turned around, and walked back to his room.

She was within distance of pulling the curtain back but he was blocking her. She did not hear any noise from behind the curtain. She stated that it seemed that “nobody knew anyone was in the room”

She states she was in the room for about 3 minutes and walked out back to her dorm. About 30 seconds down the hall. When she walked into her room, OM walked out and apparently went to Respondent’s room. KW told NM about the situation and then NM walked down the hall and knocked on the door and Respondent and OM were heard laughing but wouldn’t answer the door. She stayed down there for about 15 minutes according to KW.

According to KW, NM was in the room for a while maybe an hour or so from 1:15
Respondent was texting her all night after she left and she said he was sorry in the text messages.
When she was at the door, he seemed scared like he was caught.
The room door was open the whole time as her friend from home was standing in the doorway.

Credibility - Her story is consistent with that of others. Other than the amount of time NM was in the room.

TC - Monday, September 22, 2014

Got back to dorm @ 2:30 went to the bathroom to brush his teeth – he left the light on and Respondent asked him to shut it off. He asked Respondent if he wanted him to lock the door, as a friend at the party told him they would be stopping by to see Respondent later, or if he was having company later – Respondent said no lock the door nobody was coming [c1].
He never heard anyone knocking on the door – He lives in the back room and his bed is right under the air conditioner.

Nobody went back to the room with him ... I asked him twice

Had practice early

2nd meeting with TC 10/15/2014

We called TC back because we had multiple reports that someone else returned to the room with him. It took calling the AD to get TC to return my email and come in for a second meeting.

TC told us that he forgot that someone went into the room with him and that he was told that it was not important. He told us that NM was in the room with him for 5 minutes. They were in his room with the door open. He walked out with her and said goodbye.

He felt like they would have heard someone in the room .

He also forgot that he was in the girls' room earlier in the evening after dinner – him JS and Respondent stopped by their room.

Credibility

He forgot two vital pieces of information in our first meeting so we had to call him back. In our opinion, TC for some reason is downplaying his interaction with NM.

QF - Friday September 26th

We spoke with QF Felix about the incident that occurred on August 30, 2014. She told us that she met up with Respondent around 3:30 on the night in question. She was out at a friend's birthday party and

she and Respondent had been texting earlier in the evening and she asked if he wanted to chill later, she told him that she would stop over when she got back. She got back from the party and went to her room and fell asleep.

Respondent called her at about 3:20 and asked her if she was coming over so she went over - He never said anything to her about what happened earlier in the evening.

They went to sleep and were woken up by the campo - She was not sure what had happened and was concerned that Respondent was in trouble so she said that she was with him since 9:00

She stated that Respondent told her to just tell the truth

QF stated that after they went to campus police, she texted Respondent to ask what had happened and he was ignoring her

She thought that he was acting normal when she arrived at his dorm. He was not drunk just tired. He didn't make her feel weird or anything

She did ask if she would know the outcome of the investigation and we told her no.

Credibility –I think she would have continued to lie if she felt it would protect Respondent however, once the truth of the time came out I do not see a reason for her to lie about anything further.

NM - Thursday September 25th

She came in because she doesn't think that Respondent should be getting in trouble for something she doesn't believe he did. She thinks that people didn't bring her into it because her mom doesn't like her to get involved in these kinds of things. She said that she does not like Respondent because of what he did to KW.

She got back from the party around 2 or a little later

KW went into take a shower and NM went down the hall to speak with TC.

She was in TC's room with the door open talking to TC for a while about hooking up with KW's friend from home. She was being the wingman.

When she came in she didn't hear anything and believed that both Respondent and JS were already asleep but knows now that Respondent was in the room with someone else because KW came back and told her what had happened when she went to Respondent's room. She feels strongly that she would have heard noise from behind the curtain

She knew that KW was going to be going to Respondent's room once her and KW came back from the party. NM went back to her room to shower and KW went up to Respondent's room.

She said that KW pulled back the curtain.

She said that everyone knew about the incident within a week.

She said that she had seen Respondent and Elisabeth walking around earlier in the day

She said Respondent knew who she was and that she was the one in the room with TC. Maybe he did not at the time but for sure after the fact.

Credibility – She brought herself into the investigation through KW– she was honest about her feelings for Respondent. Her story is consistent with that of others.

Respondent - In Albany NY, on September 23, 2014

They were first in Elisabeth's room

He went to his room and DO went to his room.

They were not drinking in Elisabeth's room but he had two shots earlier in the evening - the girls in Elisabeth's room did not seem to be drinking, however, he did not know for sure if they were drinking earlier in the night.

She came to his room and they got to messing around

TC came in with someone else and they were walking around for 10 minutes or so. He told Respondent someone was coming he told TC to lock the door at this time Elisabeth told him to be quiet but they continued to have sex

KW came banging on the door and JS woke up and opened the door for KW Respondent got up and told her to leave and KW got upset

Elisabeth was upset because another girl came to the door

I asked him if she said no at any time and he said only when he came back after KW had already left, this was also when she mentioned that she had a boyfriend - he told her OK - Elisabeth left and about 3 minutes later OM came to his room.

He stated there was no fighting, he had no scratches or scrapes and he even had enough time to put on a condom

They were just cool before - he knew that she was promiscuous and had sex with a lot of guys
He had hung in her room sometimes before

He told KW to show up but it was late so he didn't think she was coming
He didn't finish what he started with Elisabeth so he called QF to come over
About QF's statement he said that she was woken up by campus police and didn't know what was going on - he had never had a conversation about the earlier events with QF.
He has kept in contact with KW and some of his teammates but he had not said anything about that night
When NM was knocking at the door and he and OM were in the room he didn't let them in the room

Note – we had a Skype follow up appointment set to speak with Respondent on Tuesday, October 17, 2014 – he did not call in and has not returned any calls since.

Credibility – he was consistent in his story with the exception of him stating that Quibillah was with him since 9 and in his meeting with Nicolle he stated Elisabeth was drinking and in our meeting he said she didn't seem to be drinking. In our meeting, he was fidgety and did not make a lot of eye contact however; this seems to be consistent with his demeanor. We tried to set up a meeting with Coach Wilkins but due to the time of year, we could not pin him down.

JS – 10/02/2014

Respondent did not have a key to the room so he thought it was Respondent banging on the door. He opened the door and it was KW.

KW saw a girl and said who the F is that and kicked Respondent and left. Respondent was not dressed, so he was trying to stay behind the curtain there was no screaming.

Respondent was supposed to be in the room with TC but they split up and Respondent took the living room area.

His head was near the wall he felt like he would have heard something –

He thinks she was scared of the girls, he can't see Respondent doing something like this. After Respondent told him she let him put on a condom and change positions.

They were always cool and cordial. Respondent did not seem drunk at all to him.

TC was in the girls' room hanging out earlier.

Credibility - His story is consistent with that of others.

SD – 10/06/2014

Three boys – Respondent, DO and DC were all hanging out in their room. She believes they all had been drinking she could smell alcohol on their breath – she said it was not uncommon that they hung out they were good friends with the football players. Respondent was one of her good friends.

Elisabeth told her that Respondent had been texting her while in the room –Elisabeth and Respondent were flirting, she was touchy feely with him but SD didn't notice it was anything out of the ordinary

She stated that none of the girls had been drinking but that Elisabeth was dressed up because she was planning to go out later that night

She went to bed and had not even known that Elisabeth had left the room until she came back –

After Elisabeth came back, she told her the story of what happened. She told her she walked into a pitch-black room, went, and sat down with Respondent and that he started to touch her leg. She said she was joking around saying she has a boyfriend and then he took his clothes off. He stopped to put a condom. She was nervous. She told SD that both roommates were in the room and Elisabeth told her she yelled and shouted a lot but nobody did anything.

She said she collected all her clothes. She was fully dressed when she came back to the room.

She stated that Elisabeth is her friend and that she will support her in what she says

Credibility — only has knowledge of what she was told for the events that occurred after she went to bed, however, she does not seem to have inconsistencies in her story

EM – 10/14/2014

Elisabeth came home at 2:30

She said she got raped and was crying really hard.

EM stated that they were in Respondent's room and then Elisabeth and SD went back to her room

She said Elisabeth received a text saying you left something in her room

She was told - he pulled down his pants, put on a condom, and was saying no- telling him she had a boyfriend. She could not get him off her because he was so strong – she felt like a doll

She said that there were girls in the room saying who is that – maybe 2 or 3 of them – that is when she left – he went out of the room and she ran out of the room

She was yelling and screaming and was loud but EM thought the roommates were under the influence so they did not notice.

They were all friends last year- they would come over and hang out

That this happened was a shock to her

Some of his friends were their closest friends

Everyone encouraged her to go to campus police she was scared to tell everyone about what happened

She said she was uncomfortable when Respondent came back – not because of anything that he did just because.

Credibility – only has knowledge of what she was told – she has some inconsistencies in her statement – They were not in Respondent's room and Elisabeth stated that she did not receive a text from Respondent stating she forgot something. It was also interesting that EM stated that Elisabeth was yelling and screaming and was loud but EM said that she thought the roommates were under the influence so they didn't notice.

JK – 10/14/2014

She came back about 2:30 or 3:00 they were sleeping – she was crying and looked scared.

He was blown away. Not because he knows, Respondent just because something like this could happen

She did not want to go to campus police – he thought that she was scared, wrapped up in the moment and what had just happened.

She was in his room, her and SD left, and then she received a text that she had forgotten something and that is why she went back.

He doesn't know anything about their prior relationship – she was fully dressed when she came back.

Credibility – again as in EM's statement he only has knowledge of what he was told – he has some inconsistencies in his statement – They were not in Respondent's room and Elisabeth stated that she didn't receive a text from Respondent stating she forgot something.

Random items

According the KW – everyone had been drinking but nobody seemed to be intoxicated

They all live on the same floor of the dorm

KW never saw TC that night

KW is still dating Respondent or still considers him her boyfriend

ST from the football team is the one in love with Elisabeth

Her boyfriend is the one from home

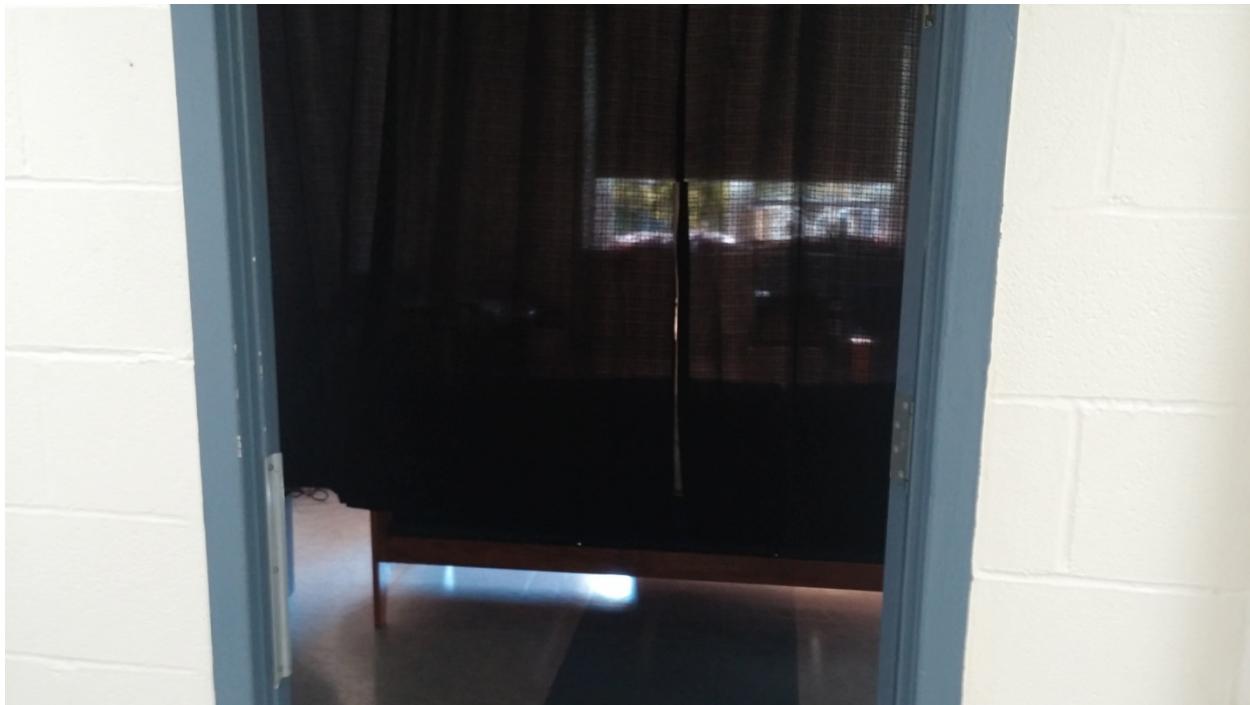
Per JS - This is the curtain that was up in the room the night in question



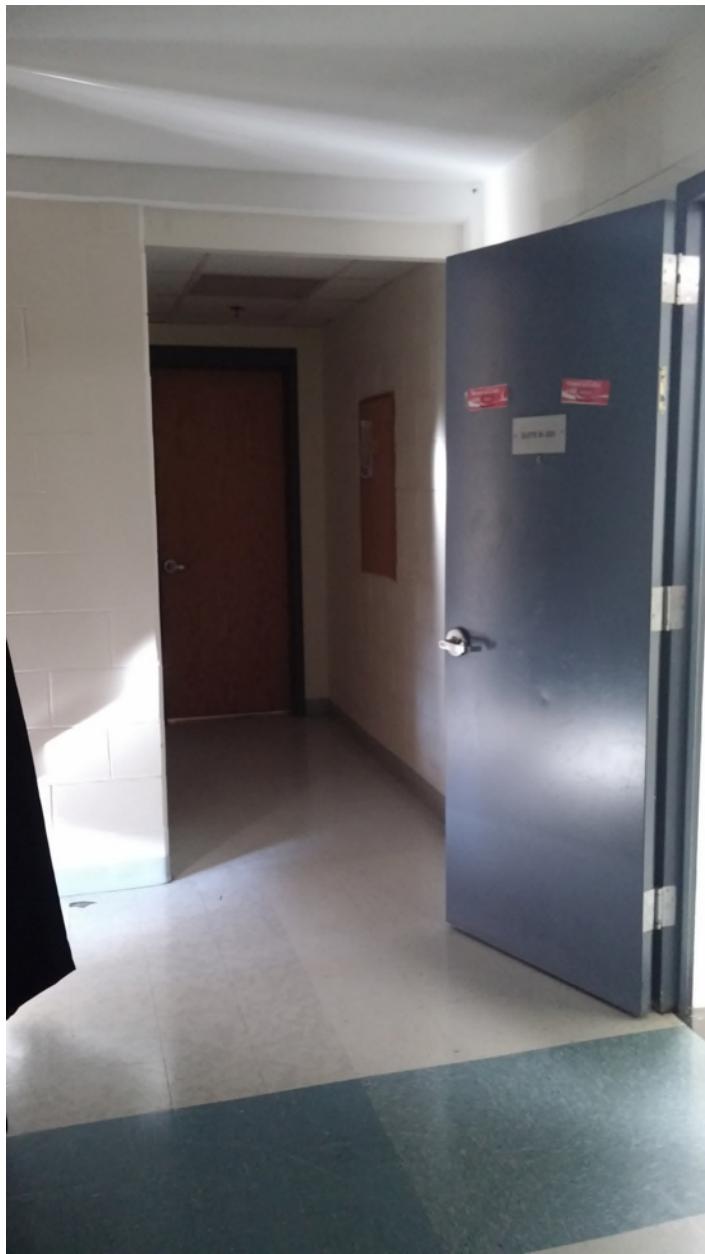
CONFIDENTIAL

REDACTED

This is the distance from the door to the curtain – it was about 66 inches



From the front door down the hall, to show the distance between JS'a and TC's doors and the living



room –

This is also showing the wall Respondent's bed was on



CONFIDENTIAL

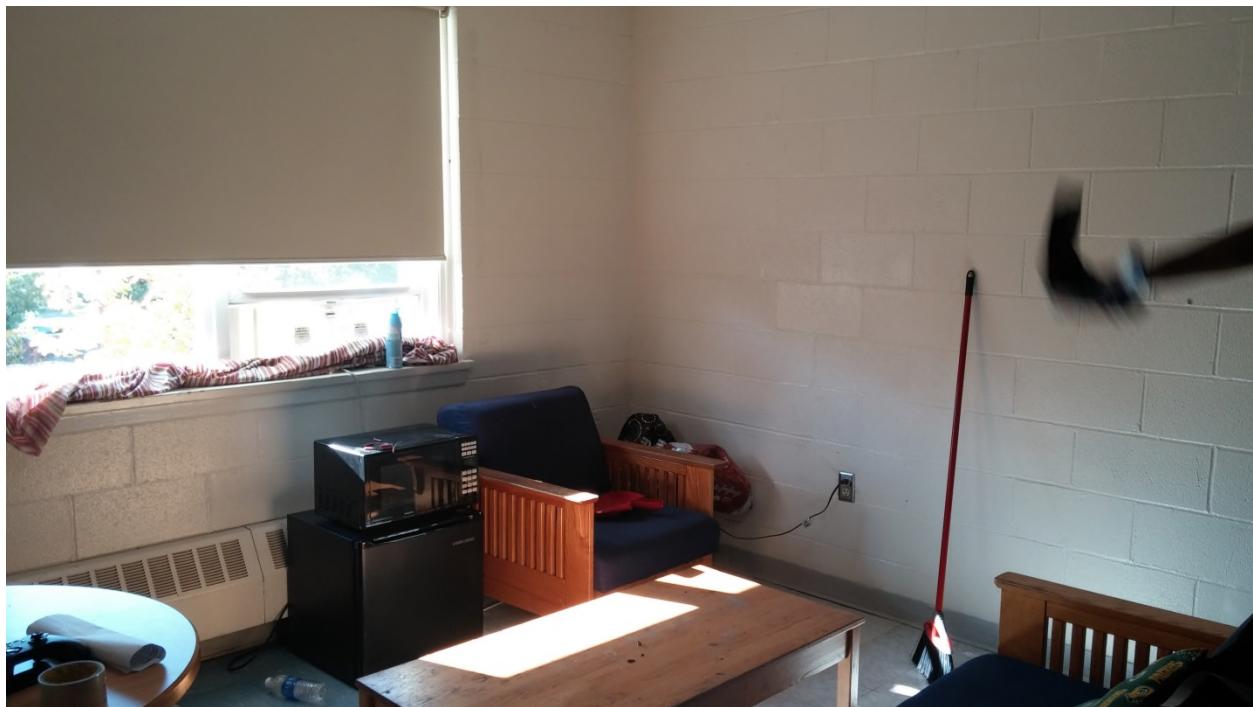
REDACTED



Walk way between the rooms, the living area
and the bathroom



The living area. Respondent's bed was on the wall straight ahead and the couch as under the window.



From where Respondent's bed was to the front door of the suite –

